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10/798,404	03/12/2004	Toshihiko Fukasawa	1232-4473US1	5974

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EXAMINER	
TRUONG, LAN DAI T	
ART UNIT	**PAPER NUMBER**
2452	

NOTIFICATION DATE	DELIVERY MODE
10/17/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/798,404	FUKASAWA ET AL.	
	Examiner	Art Unit	
	LAN-DAI Thi TRUONG	2452	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23-25,27-30,32-35 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23-25,27-30,32-35 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is response to communications: application, filed on 03/12/2004; amendment filed on 07/14/2008. Claims 23-25, 27-30, 32-35 and 37 are pending; claims 23, 27-28, 32-33 and 37 are amended; claims 1-22, 26, 31 and 36 are canceled.

2. Applicant's arguments filed 07/14/2008 have been fully considered, but are moot in view of the new ground(s) of rejection.

Response to Arguments

3. The previous 112 rejection is withdrawn in response to applicant's amendments to claims 27, 32 and 37.

4. Regarding applicant's argument with respect to the cited references, individually or in combination, do not teach or suggest the feature of "determining whether or nor the deliver device receives the requests each from a first client and a second client different from the first client within the predetermined period" are not persuasive. In Brady's system, requests sent from the first terminal and the second terminal (which also know as subsequent terminal) are determined if they are received within a time period, then an audiovisual presentation is provided to the both terminals from a single buffer for viewing (Brady, abstract, lines 12-26).

5. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., according to the determination, delivering the same video data of the live video stream data to the clients or requesting the server to send the new video data of the live video stream data) are not recited in the rejected claim(s) (filed on 01/12/2008). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van*

Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claim (filed on 01/12/2008) was original disclosed as "determining whether receiving requests each from the first and second clients during a predetermined period, and to deliver the same video data of the video stream data to the first and second client in case that deliver device receives the requests each from the fist and second clients during the predetermined period," see the previous rejection for details.

In regard to the newly amended limitations, the examiner has provided further citation from the reference to show the teachings of the newly amended features. (see rejection below).

Drawing Objection

6. Regarding claims 23, 28 and 33, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of "delivering new video stream data of the live video stream data by requesting the server to send the new video data in the case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period" must be shown in the drawings or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim rejections-35 USC § 112

7. Claim 23-25, 27-30, 32-35 and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Regarding claim 23:

The claim(s) contains subject matter (e.g. delivers new video stream data of the live video stream data by requesting the server to send the new video data in the case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the specification discloses the use of delivering new video stream data of the live video stream data by requesting the server to send the new video data in the case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period. Applicant only mentions about the use of determining if requests arrived within a predetermined

period so then the video data in the video buffer can be transmitted to numbers of requesting clients, see (specification, page 20, lines 4-26; page 21, lines 1-11). Without disclosures the use of delivering new video stream data of the live video stream data by requesting the server to send the new video data in the case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period, how would one of ordinary skill in the art determine claim limitation of "the connection management device delivers new video stream data of the live video stream data by requesting the server to send the new video data in the case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period." The appropriate corrections are requested.

Regarding claim 24-25, 27-30, 32-35 and 37:

Those claims are rejected under rationales of claim 23.

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 23-24, 27-29, 32-34 and 37 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam et al. (U.S. 6,138,163) in view of Brady et al. (U.S. 5,808,607) in view of Guedalia (U.S. 6,536,043).

Regarding claim 23:

Nam discloses the invention substantially as claimed, including relay apparatus, which can be implemented in a computer hardware or software code for delivering video stream data from a server having an image sensing device to clients via a network, comprising:

a connection management device adapted to make a connection with the server having the image sensing device via the network, and to get the live video stream data from the server having the image sensing device: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

a memory control device adapted to store the live video stream data from the server having the image sensing device, in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

and a deliver device adapted to deliver the live video stream data stored in the buffer memory via the network: (stream controller is adapted to deliver received data from the video server to the network client browser for displaying: Nam, column 3, lines 62-67; column 4, lines 1-7; column 4, lines 15-26).

However, Nam does not explicitly disclose determining whether requests each from a first client and a second client different from the first client received within a predetermined

period, and delivers the same video data of the video stream data to the first and second clients in case that the requests each from the first and second clients received within the predetermined period.

In analogous art, Brady discloses method of determining if requests from a first requesting viewing terminal and a second requesting viewing terminal (which also know as subsequent requesting viewing terminal) are received within a time period then an audiovisual presentation is provided to both the terminals from a single buffer for viewing, see (Brady, abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam-Brady does not explicitly disclose delivering the video stream data stored in the buffer to a first client without starting a new connection between the relay apparatus and the server, in case that a connection has been established between the relay apparatus and the server to deliver the video stream data to a second client different from the first client.

In analogous art, Guedalia discloses a proxy which implements as intermediary agent for digital data transmission communications between an image server and numbers of clients. The proxy is capable to cache digital data delivered from the image server to the clients. And then the proxy delivers the cached video data directly to the clients without starting new connection with

the image server if the services are requested again by any one of the clients; (wherein the proxy reads on " relay apparatus" as claimed; the clients read on "a first client and a second client" as claimed) , see (Guedalia, figure 11, items 98, 77 and 80; column 24, lines 58-67; column 15, lines 1-35; column 11, lines 25-40).

delivering new video data by requesting the server to send the new video data in the case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period: (in Guedalia's system, communications between viewers and media servers (e.g. multicasting video data requests/ and multicasting video data distributions) are involved by a multi-casting unit or (a proxy system or the hub) those implement as intermediary agent. The video data are cached into a multi-casting unit database prior delivered to the viewers, so that in the future those video data can be retrieved directly from the multi-casting unit instead of from the media servers in response to subsequent viewer requests (Guedalia, figure 11; column 14, lines 29-67; column 15, lines 1-67; column 9, lines 43-49, 63-67). The cached video data is set with certain valid date or period and also be monitored to determine if it is outdated (Guedalia, column 16, lines 42-49). It would be obvious in the art to understand that the proxy/cache capable to request new media data from the media servers in order to upgrade the outdated cached media data if their predetermined date/period is exceeded (column 33, lines 49-52; column 20, lines 38-42; column 22, lines 19-40; column 23, lines 17-48; column 28, lines 54-64).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Guedalia's ideas of using proxies as large cache for delivering the cached media data direct to clients without staring new connection between the proxies and

the media server into Nam-Brady's system in order to save communication bandwidth and memory utilizations, and further to increase communication speed, see (Guedalia column 25, lines 1-3).

Regarding claim 28:

Nam discloses the invention substantially as claimed, including relaying method, which can be implemented in a computer hardware or software code for delivering video stream data from a server having an image sensing device to clients via a network, comprising the steps of:

making a connection between a relay apparatus and the server having the image sensing device via the network: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

getting the live video stream data from the server having the image sensing device and storing the live video stream data in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

However, Nam does not explicitly disclose determining whether requests each from the first client and the second client are received within a predetermined period, delivering the same video data of the video stream data stored in the buffer memory to the first client and the second

client via the network, in case that the requests each from the first and second clients are received within the predetermined period.

In analogous art, Brady discloses method of determining if requests from a first requesting viewing terminal and a second requesting viewing terminal (which also know as subsequent requesting viewing terminal) are received within a time period then an audiovisual presentation is provided to the both terminals from a single buffer for viewing, see (Brady, abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam- Brady does not explicitly disclose the video stream data stored in the buffer memory is delivered to a first client without starting a new connection between the relay apparatus and the server, in case that a connection has been established between the relay apparatus and the server to deliver the live video stream data to a second client different from the first client.

In analogous art, Guedalia discloses a proxy which implements as intermediary agent for digital data transmission communications between an image server and numbers of clients. The proxy is capable to cache digital data delivered from the image server to the clients. And then the proxy delivers the cached video data directly to the clients without starting new connection with

the image server if the services are requested again by any one of the clients; (wherein the proxy reads on " relay apparatus" as claimed; the clients read on "a first client and a second client" as claimed) , see (Guedalia, figure 11, items 98, 77 and 80; column 24, lines 58-67; column 15, lines 1-35; column 11, lines 25-40).

requesting the server to send new video data of the video stream data, in case that reception of at least one of the request from the first client and the request from the second client exceeds the predetermined period; delivering the new video data of the video stream: (in Guedalia's system, communications between viewers and media servers (e.g. multicasting video data requests/ and multicasting video data distributions) are involved by a multi-casting unit or (a proxy system or the hub) those implement as intermediary agent. The video data are cached into a multi-casting unit database prior delivered to the viewers so that in the future those video data can be retrieved directly from the multi-casting unit instead of from the media servers in response to subsequent viewer requests (Guedalia, figure 11; column 14, lines 29-67; column 15, lines 1-67; column 9, lines 43-49, 63-67). The cached video data is set with certain valid date or period and also be monitored to determine if it is outdated (Guedalia, column 16, lines 42-49). It would be obvious in the art to understand that the proxy/cache capable to request new media data from the media servers in order to upgrade the outdated cached media data if their predetermined date/period is exceeded (column 33, lines 49-52; column 20, lines 38-42; column 22, lines 19-40; column 23, lines 17-48; column 28, lines 54-64).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Guedalia's ideas of using proxies as large cache for delivering the cached media data direct to clients without staring new connection between the proxies and

the media server into Nam-Brady's system in order to save communication bandwidth and memory utilizations, and further to increase communication speed, see (Guedalia column 25, lines 1-3).

Regarding claim 33:

Nam discloses the invention substantially as claimed, including a storage medium to store computer program to execute a relaying method to deliver live video stream data from a server having an image sensing device to clients via a network, the computer program comprising the codes of:

making a connection between a relay apparatus and a server having the image sensing device via the network: (Nam discloses a HTTP mediate server that implements functions of controlling communications between network client browsers and video servers. The HTTP mediate server is capable to establish connections between the network client browsers and the video servers so that the network client browsers will receive real-time video data streams from the video server after sending a service request to the video server: abstract; figure 1; figure 3; column 3, lines 27-41; column 4, lines 7-67).

getting the live video stream data from the server having the image sensing device and storing the live video stream data in a buffer memory: (the HTTP relay server includes a stream controller or cache those are used to store the video data streams transmitted from the video servers: Nam, column 3, lines 27-41, lines 62-67; column 4, lines 1-7).

However, Nam does not explicitly disclose determining whether requests each from the first client and the second-client are received during a predetermined period, delivering the same video data of the video stream data stored in the buffer memory to the first client and the second

client via the network, in case that the requests each from the first and second clients are received within the predetermined period via the network.

In analogous art, Brady discloses method of determining if requests from a first requesting viewing terminal and a second requesting viewing terminal (which also know as subsequent requesting viewing terminal) are received within a time period then an audiovisual presentation is provided to the both terminals from a single buffer for viewing, see (Brady, abstract, lines 12-26).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Brady's ideas of receiving same audiovisual presentation from the same buffer if the requests are received within a same time period into Nam's system in order to increase efficiencies for data distribution system (e.g. reduce bandwidth and memory utilization, and providing services simultaneously for large numbers of subscribers), see (Brady: column 1, lines 45-67).

However, Nam- Brady does not explicitly disclose the video stream data stored in the buffer memory is delivered to a first client without starting a new connection between the relay apparatus and the server, in case that a connection has been established between the relay apparatus and the server to deliver the video stream data to a second client different from the first client.

In analogous art, Guedalia discloses a proxy which implements as intermediary agent for digital data transmission communications between an image server and numbers of clients. The proxy is capable to cache digital data delivered from the image server to the clients. And then the proxy delivers the cached video data directly to the clients without starting new connection with

the image server if the services are requested again by any one of the clients; (wherein the proxy reads on " relay apparatus" as claimed; the clients read on "a first client and a second client" as claimed) , see (Guedalia, figure 11, items 98, 77 and 80; column 24, lines 58-67; column 15, lines 1-35; column 11, lines 25-40).

requesting the server to send new video data of the video stream data, in case that the reception of at least one of a request from the first client and a request from the second client exceeds the predetermined period, and delivering the new video data of the live video stream data: (in Guedalia's system, communications between viewers and media servers (e.g. multicasting video data requests/ and multicasting video data distributions) are involved by a multi-casting unit or (a proxy system or the hub) those implement as intermediary agent. The video data are cached into a multi-casting unit database prior deliveed to the viewers so that in the future those video data can be retrieved directly from the multi-casting unit instead of from the media servers in response to subsequent viewer requests (Guedalia, figure 11; column 14, lines 29-67; column 15, lines 1-67; column 9, lines 43-49, 63-67). The cached video data is set with certain valid date or period and also be monitored to determine if it is outdated (Guedalia, column 16, lines 42-49). It would be obvious in the art to understand that the proxy/cache capable to request new media data from the media servers in order to upgrade the outdated cached media data if their predetermined date/period is exceeded (column 33, lines 49-52; column 20, lines 38-42; column 22, lines 19-40; column 23, lines 17-48; column 28, lines 54-64).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Guedalia's ideas of using proxies as large cache for delivering

the cached media data direct to clients without staring new connection between the proxies and the media server into Nam-Brady's system in order to save communication bandwidth and memory utilizations, and further to increase communication speed, see (Guedalia column 25, lines 1-3).

Regarding claim 24:

In addition to rejection in claim 23, Nam- Brady-Guedalia further discloses protocol between the relay apparatus and clients is HTTP: (Nam discloses the relay server also supports HTTP: column 3, lines 27-40).

Regarding claims 29 and 34

Those claims are rejected under rationale of claim 24.

Regarding claim 27:

In addition to rejection in claim 23, Nam- Brady-Guedalia further discloses wherein the predetermined period is a period between the point where the deliver device receives a request from one of the fist and second clients and the point where the deliver device receives a next request from the other of the first and second clients: (Brady, column 1, lines 45-67).

Regarding claims 32 and 37:

Those claims are rejected under rationale of claim 27.

Claims 25, 30 and 35 are rejected under 35 U.S.C 103(a) as being un-patentable over Nam- Brady-Guedalia in view of Segur (U.S. 6,212,550).

Regarding claim 25:

Nam- Brady-Guedalia discloses the invention substantially as disclosed in claim 23, but does not explicitly teach converting video data stream.

In analogous art, Segur discloses method for converting video data stream into another format compatible for communications: (Segur, abstract; figure 1).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Segur's ideas of converting data from one format into another format into Nam- Brady-Guedalia's system in order to provide a convenient communication system for Internet users such as ability of sharing relevant information via using different communication platforms, see (Segur: column 3, lines 66-67; column 4, lines 1-9).

Regarding claims 30 and 35:

Those claims are rejected under rationale of claim 25.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

10/09/2008.

/Kenny S Lin/
Primary Examiner, Art Unit 2452